

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

Roger A. Herndon, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

Huntington Ingalls Industries, Inc., the HII  
Administrative Committee, and John/Jane Does 1–5,

Defendants.

Civil Action No.: 4:19-cv-00052-RBS-  
DEM

CLASS ACTION

**PLAINTIFF’S SUR-REPLY IN OPPOSITION TO DEFENDANTS’  
MOTION FOR SUMMARY JUDGMENT**

Incredibly, and perhaps hoping that the Court will not review the entire docket, Defendants do not acknowledge, much less address, the rejection of all their legal arguments in Judge Morgan’s nine-page denial of their Motion to Dismiss. Order dated 2/20/20 [ecf 73]. See, Reply Memorandum in Support of Motion for Summary Judgment [ecf 77] at 4-8, 18-20. Nothing has changed in the past couple of weeks which would warrant the Court revisiting those issues of law.

The remainder of Defendants’ Reply concerns the “battle of the experts” which Defendants admit is more fully briefed in the competing Daubert Motions. See, e.g., id at 3,11, 16. Plaintiff respectfully submits that the Court should consider that briefing in deciding the Motion.

Dated: March 10, 2020

Respectfully submitted,

/s/ Gregory Y. Porter

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